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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,838	09/29/2003	Jung-Kai Cheng	4392-0140P	3515
2292	7590	02/09/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			STONE, JENNIFER A	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/671,838	CHENG, JUNG-KAI	
	Examiner	Art Unit	
	Jennifer A Stone	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Hesley et al. (US 6,489,947).

For claim 1, Hesley discloses a method for warning a user to rest during operation of a computer mouse (col 1, Ins 25-28; col 13, Ins 55-58), said computer mouse comprising a first timer (col 13, Ins 49-52; Fig. 4A, item 400) and a warning device (Fig. 4A, item 475; col 14, Ins 46-49), comprising: monitoring a period of operating said computer mouse by said first timer (col 13, Ins 49-52); enabling said warning device when said operating period is longer than a first predetermined period of time (col 13, Ins 52-54); and disabling said warning device when the user stops operating said computer mouse (Fig. 5, items 508, 509, and 502; col 14, Ins 58-62). The warning is disabled or reset when the pressure is removed (Fig 5, item 509) and then initialized (Fig. 5, item 502).

For claim 2, Hesley discloses the mouse to further comprise a second timer (col 14, In 9; Fig. 5, item 504), further comprising: monitoring a period of idling said

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computer mouse by said second timer when the user stops operating said computer mouse (col 14, Ins 9-11 and 24-32; Fig. 5, item 507); and resetting the first and second timers when said idle period is longer than a second predetermined period of time (time frame requiring user rest; col 15, Ins 10-19). The second timers are considered the time-out check and sleep timer Fig. 5, items 504 and 507).

For claim 3, Hesley discloses that the warning device is enabled when the user operates said computer mouse after said idle period (col 14, Ins 26-32 and 36-38), and said idle period is shorter than said second predetermined period (time frame requiring user rest; col 15, Ins 10-19).

For claim 4, the second timer monitors said idle period of said computer mouse (col 14, Ins 24-27) when the user stops operating said computer mouse after said operating period (col 14, Ins 26-32), and said operating period is shorter than said first predetermined period (col 14, Ins 33-36).

For claim 5, the warning device sends an audio message to warn the user (col 13, Ins 54-58).

3. Claims 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hesley et al. (US 6,489,947).

For claim 8, Hesley discloses a computer mouse capable of warning a user to rest during operation comprising: (col 1, Ins 25-28; col 13, Ins 55-58), a first timer (col 13, Ins 49-52; Fig. 4A, item 400) for monitoring a period of operating said computer mouse (col 13, Ins 49-52) and a warning device for selectively providing a warning message (Fig. 4A, item 475; col 14, Ins 46-49); and a controller for controlling said

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warning device (Fig. 2B, item 201; col 13, Ins 40-45); wherein said warning device is enabled when said operating period is longer than a first predetermined period of time (col 13, Ins 52-54); and said warning device is disabled when the user stops operating said computer mouse (Fig. 5, items 508, 509, and 502; col 14, Ins 58-62).

For claim 9, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 2 as stated above. In addition, the controller controls the timing devices (col 13, Ins 40-45 and 49-52).

For claim 10, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 3 as stated above.

For claim 11, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 4 as stated above.

For claim 12, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 5 as stated above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hesley et al. and further in view of Reynolds (US 5,477,211).

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For claim 6, Hesley discloses a warning device but does not disclose a buzzer; however, Reynolds discloses this feature (col 2, lns 10 and 11). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to notify an individual of improper use of equipment through various alarming means in order to avoid injury.

For claim 7, Hesley discloses a warning device but does not disclose a vibration motor; however, Reynolds discloses this feature (col 2, lns 10-12). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to notify an individual of improper use of equipment through tactile means in order to avoid injury. This type of notification is beneficial if an individual is hearing impaired.

6. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hesley et al., as applied to claim 8, and further in view of Reynolds (US 5,477,211).

For claim 13, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 6 as stated above.

For claim 14, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 7 as stated above.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Gould et al. (US 6,065,138) discloses a computer system for warning a user to rest during operation of a computer mouse.

Byrne (US 5,805,142) discloses a computer mouse that responds to pressure to alert a user of potential injury.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Stone whose telephone number is (571) 272.2976. The examiner can normally be reached 8:00-4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffery Hofsass can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is (703) 872.9306 for regular and after final communications.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272.2600.

Jennifer Stone
January 25, 2005



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600